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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

))
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Taos, New Mexico))RECEIVED
MM Docket No. 01-282
RM-10293

(McCamey, Texas))

MM Docket No. 01-283 ✓
RM-10294

(Dickens, Texas))

MM Docket No. 01-284
RM-10295

(Hamlin, Texas))

MM Docket No. 01-285
RM-10296

NOTICE OF PROPOSED RULE MAKING

Adopted: September 26, 2001

Released: October 5, 2001

Comment Date: November 26, 2001

Reply Date: December 11, 2001

By the Chief, Allocations Branch:

1. Before the Commission for consideration is a multiple docket *Notice of Proposed Rule Making* setting forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each petitioner has stated that it will apply for its requested channel, if allotted. We believe that each proposal warrants consideration because it complies with our technical requirements and would serve the public interest.

2. This is a multiple docket *Notice of Proposed Rule Making* issued in accordance with the Commission's *Public Notice* released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single *Notice of Proposed Rulemaking*. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the *Public Notice*, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We request comments and/or counterproposals to the following proposals:

A. MM Docket No. 01-282; RM-10293

Petitioner: Linda Crawford
3500 Maple Avenue, #1320
Dallas, Texas 75219

Proposal: Allot Channel 228A at Taos, New Mexico as potentially the community's fifth local aural broadcast service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Taos, New Mexico	240A, 256C, 260C3, 270C1	228A, 240A, 256C, 260C3, 270C1

Coordinates: 36-28-20 NL and 105-28-22 WL

Additional Information: The proposed allotment of Channel 228A at Taos requires a site restriction of 11.5 km (7.1 miles) northeast of Taos (center city coordinates: 36-24-26 NL and 105-34-21 WL).

Petitioner states that Taos is an incorporated city with a population in excess of 6,000 persons.

B. MM Docket No. 01-283; RM-10294

Petitioner: Linda Crawford
3500 Maple Avenue, #1320
Dallas, Texas 75219

Proposal: Allot Channel 233C3 at McCamey, Texas as the community's second aural broadcast transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
McCamey, Texas	237C3	233C3, 237C3

Coordinates: 31-11-56 NL and 102-01-42 WL

Additional Information: The proposed allotment of Channel 233C3 at McCamey requires a site restriction of 19.9 km (12.4 miles) east of McCamey (center city coordinates: 31-08-09 NL and 102-13-26 WL). The proposed allotment will require concurrence by Mexico because it is located within 320 kilometers (199 miles) of the Mexican border.

Petitioner states that McCamey is an incorporated city with a population exceeding 1,800 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

C. MM Docket No. 01-284; RM-10295

Petitioner: Linda Crawford
3500 Maple Avenue, #1320
Dallas, Texas 75219

Proposal: Allot Channel 240A at Dickens, Texas as the community's first local aural broadcast service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Dickens, Texas	---	240A

Coordinates: 33-37-18 NL and 100-50-10 WL

Additional Information: The proposed allotment of Channel 240A at Dickens does not require a site restriction at the center city coordinates indicated above.

Petitioner states that Dickens is an incorporated city with a population exceeding 330 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

D. MM Docket No. 01-285; RM-10296

Petitioner: Linda Crawford
3500 Maple Avenue, #1320
Dallas, Texas 75219

Proposal: Allot Channel 283C2 at Hamlin, Texas as the community's second FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Hamlin, Texas	279C	283C2, 279C

Coordinates: 33-01-16 NL and 100-17-23 WL

Additional Information: The proposed allotment of Channel 283C2 at Hamlin requires a site restriction of 21.5 km (13.4 miles) northwest of Hamlin (center city coordinates: 32-53-05 NL and 100-07-34 WL).

Petitioner states that Hamlin is an incorporated city with a population exceeding 2,790 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

3. Comments, reply comments, counterproposals and other pleadings filed in response to this multiple docket *Notice of Proposed Rule Making* should reference **only** the specific docket to which the filing pertains. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before **November 26, 2001**, and reply comments on or before **December 11, 2001**, and are advised to read the Appendix for the proper procedures. Additionally, a copy of any filing should be served on the petitioner listed for the particular docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. *See Certification that Section 603 and 604 of the Regulatory Flexibility Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed.Reg. 11549 (February 9, 1981).

6. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court. An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in the particular docket unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any

reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

APPENDIX

1. Pursuant to authority contained in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM (TV) Table of Allotments, Section 73.202(b) (73.606(b)) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center (Room CY-A257), at its headquarters, 445 Twelfth Street, SW., Washington, D.C.